

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BANK OF AMERICA, N.A. and
TRUSTED REALTY
INVESTMENTS, LLC,

Plaintiffs,

vs.

Case No. 17-12219
HON. GEORGE CARAM STEEH

AUDREY ARTHUR and
MAURICE VALENTINE,

Defendants.

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ORDER DISMISSING CASE

Defendants Audrey Arthur and Maurice Valentine removed this case to federal court on July 6, 2017. (Doc. 1). As the removing party, defendants bear the burden to prove that the Court has subject matter jurisdiction. Defendants notice of removal asserts diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332.

28 U.S.C. § 1332 grants district courts original jurisdiction of “all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between – (1) citizens of different states.” 28 U.S.C. § 1332(a). Pursuant to *Strawbridge v. Curtiss*, 7 U.S. 267 (1806), the parties must be completely diverse. For diversity

purposes, a corporation is deemed to be a citizen of every state by which it has been incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). In contrast, the citizenship of an LLC is based on the citizenship of its members. *CMPS Inst., LLC v. MMG II, LLC*, 521 F. Supp. 2d 616, 618 (E.D. Mich. 2007); see also *Kalamazoo Acquisitions, L.L.C. v. Westfield Ins. Co.*, 395 F.3d 338, 341 (6th Cir. 2005).

The Court issued an Order to Show Cause on July 12, 2017. (Doc. 2). Defendants responded on July 25, 2017. (Doc. 4). They asserted that they are Michigan citizens and that plaintiff Trusted Realty Investments LLC is “a citizen of the state of Georgia by its incorporated status and its principle place of business.” (Doc. 4 at PageID 25). Defendants rely on a record from the Georgia Corporations Division Business Search. (Doc. 4 at PageID 27). This record does not indicate Trusted Realty Investments LLC’s membership, nor the citizenship of its members. This is insufficient. It does not illustrate that Trusted Realty Investments LLC does not include any members who are Michigan citizens. The Court, therefore cannot conclude that the parties are completely diverse.

Defendants have had several months to meet their burden of proof on this matter. They have not taken action to make this showing for a

reasonable time. The Court, therefore, shall DISMISS this case pursuant to E.D. Mich. Local Rule 41.2.

IT IS SO ORDERED.

Dated: November 1, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 1, 2017, by electronic and/or ordinary mail and also on:

Audrey Arthur
15431 Cruse Street
Detroit, MI 48227

Bank of America N.A.
701 Corporate Drive
Mail Stop TX 928-0303
Plano, TX 75024

Maurice Valentine
15431 Cruse Street
Detroit, MI 48227

s/Barbara Radke
Deputy Clerk